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SUMMARY OF THE PROPOSED CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT SYSTEM (CIPMS) IN ARMY

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1. Congressional Intent

Section 504 of the Intelligence Authorization Act of 1987 (PL 99-569), passed in October 1986, authorized the Secretary of Defense to establish a separate excepted service civilian personnel management system for the Army, Navy, and Air Force Intelligence Communities. Section 504 delegated broad authorities. It did not specify what would be the features of the new system other than that they should overcome the problems inherent within the existing personnel management system. Those problems were generally seen to stem from a lack of comparability of systems and compensation practices among the various agencies within the Federal Intelligence Community. This lack of comparability resulted in lower quality job applicants than desired, high personnel turnover, and excessive interservice competition for personnel. Specifically, the Secretary of Defense was provided broad authority to establish positions, appoint individuals, fix compensation, and terminate employment, in very special cases, without appeal outside the Department of Defense. These broad authorities largely parallel those already granted CIA, NSA, and DIA.

2. Developmental Process

Upon passage of this Act, the three services established both a tri-service Executive Steering Committee and a Working Group to plan and oversee a coordinated effort to design and then implement the new system. Each service also established service level working teams for position classification; recruitment and placement; management-employee relations; and training, development and career management that would design and propose their service's concepts for the system. The Department of Army relied upon MACOM Career Program Managers and other key careerists to staff these working teams. After each service completed their concept design, they met in a series of tri-service meetings to hammer out both the general outlines for the policies and principles that had to be tri-service wide as well as those areas where each service would be allowed to differ. The tri-service concept design has been approved by the Deputy Chief of Staff for Intelligence (DCSINT), LTG Weinstein, has been converted to a draft OSD Manual, and now awaits Secretary of Army and OSD approval and a Department of Army implementing regulation. Efforts were taken to design a system that would have familiar elements for supervisors and employees alike while improving on the present personnel system by making it more flexible, less complex, less burdened by administrative red tape, and more readily supported by line management. It should also be a system that would further civilian integration within the MI Corps. Military and civilian supervisors and employees can expect an orientation and/or training on the new system prior to conversion. Supervisors will have to relearn much of what they knew about personnel management and be aware of new responsibilities. MACOM Career Program Managers will also be key players in both the conversion process and the administration of the new system. Mr. James D. Davis, the Special Assistant to the DCSINT, has been assigned by the DCSINT to oversee the development and implementation of this system. Mr. Richard Christensen and Ms. Sally Wagner, personnel specialists from INSCOM, are assisting him. Ms. Wagner and Mr. Christensen can be reached on AUTOVON 222-1262/1263 to clarify features of the concept design or answer any questions. The Total Army Personnel Agency has also devoted a Branch in the Program Development Division to assist this effort. Mrs. Diane Lillenthal of that office can be reached on AUTOVON 221-9335.

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3. Delegation of Authority

The Secretary of Defense has:

(a) Delegated authority to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C³I) to establish functional mission requirements for the personnel system;

(b) Delegated authority to the Assistant Secretary of Defense for Force Management and Personnel (FM&P) to approve actual personnel management policies and procedures;

(c) Delegated authority to the Secretaries of each Military Department to establish positions and appoint individuals, and to implement and administer the system; and has

(d) Delegated authority to the Secretaries of each Military Department to remove employees without appeal outside the Defense Department when in the interests of national security.

4. Policy Development and Management

a. ASD (C³I) and ASD (FM&P) will lead an Executive Steering Group with functional service (intelligence) representation, to oversee the development and administration of the CIPMS. The Army has served as Executive Agent representing the tri-services on that group.

b. The Services will participate on a tri-service working group to develop policy and regulations, that will be submitted through each service's Assistant Secretary for Manpower and Reserve Affairs, to ASD (FM&P) for final approval and publication.

c. Within Army, the DCSINT will develop, the Deputy Chief of Staff for Personnel (DCSPER) will review, approve, and promulgate, and the Assistant Secretary of the Army for Manpower and Reserve Affairs will review and give final approval to both Army level policy and policy proposed for OSD level approval.

d. The ASD (FM&P) will review, approve, and publish regulations and policy in manual format as proposed by the tri-services. Each service will supplement where needed and permitted by the OSD manual.

5. Personnel Management Administration and Servicing

The CIPMS will be overseen within Army by a multi-functional service level organization: that will develop and implement policy and procedures; perform program evaluation; and perform liaison with both the other services, OSD, NSA, CIA, DIA, and the competitive system. It will also develop and maintain standardized/generic task analysis based documents (job descriptions, etc); and provide on-site training, advice and assistance. MACOM Career Program Managers will also assist as position management and resource managers, and as subject matter experts when developing standardized/generic personnel documents. Local operating civilian personnel offices will continue to service the CIPM's widely dispersed work force in one of two modes: (1) as administrators of the

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process of personnel management where coverage in the CIPMS is small; or (2) as both personnel management administrators and advisors where there is sufficient concentration of CIPMS personnel to generate committed personnel specialists who are fully conversant with the system and who possess necessary clearances.

6. Employee Coverage

a. The tri-service Intelligence Community proposes to convert approximately 9,500 employees to the CIPMS. About 4,400 should be converted within Army. Any one of three criteria are proposed to be used to determine coverage. Coverage would be limited: (1) to employees in commands and activities that have a primary intelligence mission (such as those in the Intelligence and Security Command or the Army Intelligence Agency); (2) to employees engaged in intelligence work in non-intelligence commands and agencies if they are eligible to register in the Defense Intelligence Special Career Automated System (such as those in the GS-132, Intelligence Specialist series, and shortly those presently in the GS-080, Security Specialist series not predominantly performing a law enforcement function); and (3) to employees in direct support of intelligence functions in non-intelligence commands if designated by either the Service Functional Chief or by Major Commander's (such as Personnel Specialists, Secretaries, etc., in such non-intelligence commands as U.S. Army Europe and the Army Materiel Command who work in an intelligence organization such as a Deputy Chief of Staff for Intelligence). Employees specifically excluded from coverage in the CIPMS within Army that reside in intelligence organizations will be Senior Executive Service employees, local foreign national employees, and national guard and reserve technicians.

b. Employee Coverage is a very significant issue and has been controversial. The Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) initially believes that the best interests of the Army would be served to limit the CIPMS to only "intelligence professionals". That office has directed that consideration be given to including employees by series and function rather than by organization. That office already accepts those in GS-080, 132, 134 and 1710 series working in an intelligence function, and appears favorably disposed to also include those who perform scientific and technical intelligence functions (i.e. engineers and scientists). The DCSINT will also reclama seeking total coverage for INSCOM and AIA. It is vital however, that coverage be also comparable in Air Force and Navy. It is therefore possible that OSD will largely determine the policy on employee coverage. In any case, the ODCSINT will work closely with the Office of the Assistant Secretary of the Army, the ODCSPER, and each MACOM to ensure that the portion of Army's regulation on coverage will optimally balance the best interests of both the CIPMS and the existing competitive service.

7. Classification and Position Management

The tri-services will combine features of the general competitive service's, the National Security Agency's (NSA), and the Defense Intelligence Agency's classification and position management systems.

a. OPM's general schedule (GS) pay plan, grading structure (18 grades), and within grade pay increase structure (10 steps) will generally be retained. NSA's primary grading standards for supervisory and non-supervisory positions

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will be adapted for all covered CIPMS positions. DIA's career ladders will be used in combination with a management to budget oriented cost control system to manage position structures and cost growth.

b. A "grade banding" feature will be overlaid on the primary classification standards as a mechanism to: promote general grade alignment between and among the services, as the first step for managers to focus on the several major career bands in preparation for possible later pay banding; and as a point of interface between classification and career development programs. Bands will be determined separately for professional/administrative two grade interval, technical/assistant one grade interval, and clerical lines of work or "career paths". Each band within a career path will contain two or more grades grouped to reflect a general career level such as entry, journeyman, expert, or senior expert levels.

c. These career paths and grade bands will become a framework for establishing "career ladders" for specific specialties. These career ladders will fit within the appropriate career path model but will be modified to reflect actual grading practices within Army. Use of career ladder diagrams to assist in classification is a feature adopted from DIA.

d. New position titles will often be established for intelligence and security specialties. There may also be a combination of those two specialties into a general intelligence series to promote greater professionalism and better mirror the military personnel management structure. Otherwise, position titles and series will generally remain the same as for competitive service positions.

e. Supplemental occupational guides will be developed for intelligence and security ("mission") specialties that will control series coverage and titling practices. Guides may be written for any mission speciality with enough population to justify the effort. The guides will also contain both descriptions of common work levels (grade bands) and grade levels to assist managers in the classification process. Series coverage, titling practices, and grade determinations, would still be obtained from OPM classification standards for most other lines of work ("support series") until or unless these supplemental occupational guides are published for them.

f. Short standardized and/or generic position descriptions will be eventually written for each career ladder and grade level within each major command or installation with the key determinations coded on the descriptions to allow for later computerization. This approach will substantially reduce the administrative burden on line supervisors and promote equity within commands as well as prepare for a future "paperless" personnel system.

g. Classification authority will be delegated through major commanders to commanders or activity heads for redelegation to top line managers with budget authority. Classification authority may likely be retained by the civilian personnel office only where specifically approved by a MACOM. MACOM Intelligence and Security Career Program Managers will become position management officers for all covered positions within their command and will also oversee the management to budget process.

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h. "Impact of the Person on the Job" or "Rank in Person" will be institutionalized as an option for all lines of work to ensure that the total worth of any position and its incumbent can be recognized in the classification process. Such control mechanisms as management review boards may be established to periodically review nominations and recommend promotions to top management based on service and command established criteria.

i. "Dual track" career ladders will also be promoted for all lines of work to ensure, within reasonable limits, that progression to the highest grades in a job specialty will not solely be through supervisory jobs.

j. Classification appeals will be limited to the functional management chain of command up to a final service level decision from the DCSINT. The Office of Personnel Management will not have classification oversight over the CIPMS.

8. Recruitment and Retention

Army's implementation of the CIPMS will reflect many of the goals set by the DA Civilian Personnel Modernization Study for the larger competitive service. Army's CIPMS should increase flexibilities for managers assuring them the degree of control they need to properly exercise their responsibilities.

a. OPM's qualification standards (i.e., X-118) will continue to be used but only as a guide. "Time in grade" and "years of service" will normally not be used as arbitrary qualification screens. Instead, a careful review of an applicant's documented qualifications will be compared with the actual requirements of the position developed in a short written crediting plan. Affirmative action should be promoted by removal of these "barriers" to the selection, promotion or reassignment of many minorities and women.

b. As a statutory excepted service program, direct hire authority will be exercised for all positions. Referral lists will be obtained from either the Defense Intelligence Special Career Automated System (DISCAS), on a courtesy basis from Army level career programs, or from local merit promotion procedures. A supplemental "skills bank" or other referral mechanism is planned to refer outside applications within Army's intelligence and security community when they cannot be used locally.

c. Delegations of personnel authorities will also be granted to the local commander whenever possible to give commanders direct responsibility for their personnel programs. Departmental level approvals will be expedited when approval at that level is required.

d. Supervisors will be trained to negotiate with prospective employees on "recruitment and retention compensation" that could include advanced in-hire rates, first duty station travel, relocation expenses, "signing bonuses", etc, to fill either "hard to fill positions" or to obtain superior candidates.

e. "Conditions of Employment" will be institutionalized in regulation as a separate aspect of personnel management and will cover such topics as security clearances; polygraph, urinalysis and medical examinations; mandatory mobility; mandatory length of overseas tours; etc. Major commanders will be delegated authority to impose or recommend imposition of any or all of these

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requirements on either a specific position or a class of positions where a clear need can be demonstrated.

f. Employees entering CIPMS will be hired under or converted to a statutory excepted service appointment that will not earn competitive status for the competitive system. Employees already possessing "personal" competitive status in the competitive service will, of course, retain that status and be able to exercise it, if and when, they seek later employment in the competitive system.

9. Career Management

DISCAS and the Intelligence Career Development Program (ICDP) should grow into the dominant referral and career management system within the CIPMS. Within Army, the new Army Civilian Training, Education, and Development System (ACTEDS) will be blended with the ICDP to ensure connectivity with both the excepted service (ICDP) and the Army's competitive service career management system (ACTEDS).

a. DISCAS coverage will be expanded to include non-law enforcement Security Specialists, GS-080 and Cryptological positions. At a later time coverage will be further expanded to include all present two grade interval series to both ensure an effective data base for manpower planning, and to promote movement between services among "support" professionals (personnelists, logisticians, resource managers, etc). Employees will be first automatically included based on entry into the CIPMS from existing personnel data and then be required to file periodic updates to provide data otherwise not available, such as previous experience, training, education, mobility, etc.

b. DISCAS will be utilized more and more as a major referral source but not as a sole source within the intelligence community. Although presently a mandatory system at GS-13 and above, DISCAS will experiment with various approaches to required levels of referral for GS-132 and Scientific and Technical positions. Local management will be largely responsible for determining areas of consideration and for ensuring support for "corporate" affirmative action and career management goals and objectives.

c. Each position in DISCAS will be coded during the classification process as to function and specialty for manpower planning, program evaluation, and to better determine needed competencies when management announces vacancies and when employees register for referral consideration.

d. Specializations with significant populations will be identified and subject matter experts appointed to develop career ladders (general progression paths), required competencies, and accompanying essential, desirable, and developmental training and experience requirements. Once identified, required competencies will become the core mandatory and desirable qualification requirements used in standardized crediting plans to screen and rank candidates. This should ensure a steady and directed growth in professionalism throughout the CIPMS as well as ease the administrative burden on line managers and servicing civilian personnel offices.

e. Employees with personal competitive service career status in series covered by other Army career programs than intelligence and security (support professions) will be encouraged to maintain their registration in those career

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programs voluntarily and pursue those program's recommended training and development opportunities. Additional training and development to achieve career management objectives of the intelligence community will be overlaid on existing Army career program objectives, when necessary.

f. Intern and executive development programs are planned to be centrally managed with the goal of steady growth for both programs. There will be, in addition, a renewed emphasis on supervisory/managerial development utilizing the leadership training being developed within ACTEDS for all of Army.

g. Army's existing training and development programs will be utilized for non-career program (i.e., one grade interval and wage grade lines of work) excepted service employees. These programs coupled with greater flexibility in assessing qualifications for developmental assignments should open up new opportunities for wage grade, clerical, and technician/assistant personnel within the CIPMS.

h. Existing competitive service training policies will be utilized by the CIPMS in most cases.

10. Performance Management.

The CIPMS will heavily rely on performance based basic pay adjustments and cash awards to reward and motivate employees.

a. Upon conversion to the statutory excepted service, present Performance Management and Recognition System (GM) employees will be converted to the GS system. The GM system will not be used within the CIPMS.

b. Each service will initially utilize their present performance appraisal system for competitive service GS employees except that "mechanical" determinations of overall adjectival ratings will be discouraged. Supervisors will be permitted to assign the most equitable rating. A study is planned, however, to propose a tri-service unique excepted service appraisal system. In any case, standardized or generic performance standards will be developed for many specializations, allowing managers and employees the ability to adopt or adapt "performance contracts" from off-the-shelf that will be equitable for their specialty throughout the Army. These standardized or generic performance standards will also "link back" to standardized/generic position descriptions, training plans, and crediting plans to assure consistency and uniformly promote functional career management objectives.

c. Existing monetary award devices, such as quality step increases, sustained superior performance awards, special act or service awards, etc., will be utilized to promote "pay for performance". Most existing competitive service restrictions on usage will, however, be dropped in favor of "manage to budget" type organizational controls to permit greater flexibility and equity in determining monetary compensation.

d. Although recent performance will be a significant consideration in determining monetary compensation, managers will not be limited under the CIPMS from considering other factors such as present compensation, past awards, past performance, employee objectives and motivators, organizational budgets, etc. Managers will also not be required to link a recent performance rating with any

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level or ~~type~~ of compensation or recognition but may choose to let the rating, even an exceptional rating, speak for itself.

e. The existing comparability increase program used by the competitive service will be adopted by the CIPMS. CIPMS must retain the 10 step within grade system but the services will explore alternative methods of administering this system to further promote the principle of pay for performance.

11. Special Termination Authority.

A unique feature of the CIPMS will be the provision to remove employees without appeal outside the Department of Defense, when in the interests of the United States, and when other removal provisions are not in the interest of national security. This authority is designed to be utilized rarely only when an employee's conduct or performance warrants, when national security considerations apply (when there is a reasonable possibility for compromise of intelligence methods, means, sources, etc, if reviewed on appeal outside the Department), and when an employee is not being accused of espionage. (Other long standing provisions exist to speedily removed those accused of espionage). Full due process rights will be afforded employees whose removal are processed under this new authority to include the right to appeal a removal but only to the Secretary of Defense.

12. Adverse Actions and Grievances.

Adverse actions and employee grievances over personnel actions will be unchanged by the CIPMS except in those rare termination cases cited in paragraph 11 above. All excepted service employees, however; who are not veterans preference eligibles are already restricted from appealing to the Merit Systems Protection Board and must grieve adverse actions through Army's Grievance System.

13. Military Intelligence (MI) Corps

Professional Army employees in two grade interval series engaged in intelligence functions within the CIPMS belong to the MI Corps. The MI Corps is part of the overall regimental concept being integrated within the Army structure. It reflects a need to foster "branch" or "corps" identity and loyalty regardless of assigned organization or job. The MI Corps will foster identity and loyalty through publications, through the workings of the ICDP career management system that directs and molds career development, and through the CIPMS itself that will compensate those making a long-term commitment to the Corps.

14. Employee Benefit Programs.

Life and health insurance, unemployment compensation, and retirement programs will not be changed by the CIPMS. Service obtained in both the competitive and excepted services is creditable for these programs.

Revised January 1988

INFORMATION PAPER

SUBJECT: COVERAGE UNDER AN EXCEPTED SERVICE CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT SYSTEM

1. PURPOSE: To provide information on the rationale behind the tri-service Intelligence Function's (Army's, Navy's and Air Force's) proposal for employee coverage under the Civilian Intelligence Personnel Management System (CIPMS).

2. DISCUSSION:

a. PL 99-569, The Intelligence Authorization Act of 1987, establishes at Title V, Section 504, a different personnel management system for "civilian intelligence officers and employees of the military departments as may be necessary to carry out the intelligence functions of such departments." Clearly, the intention was to carve an excepted service out of each department's civilian community that would maximize the positive goals of the legislation.

(1). Section 540 of the law was passed, according to the House of Representatives Report 99-690, to bring "civilian intelligence personnel in the military departments within the same type of personnel management system as applies to civilians in the rest of the elements of the Intelligence Community." It should be noted that CIA, NSA, and DIA are all excepted service organizations. All their employees benefit or lose equally by being in their excepted services. It also should be noted that their managers are not burdened with more than one personnel management system.

(2). The law was also passed because greater comparability should "improve the quality of intelligence collection and production within the military departments by improving the ability of their intelligence elements to attract and retain skilled civilian intelligence personnel." Congress specifically noted and extended the preferred status of CIA, NSA, and DIA to the military departments when they passed this law. (DIA's legislation was drafted based on NSA's, and the military departments' was based on DIA's.) It was clearly understood that career opportunities and various forms of compensation (such as overseas entitlements) would increase under the new law and make the intelligence services in the departments more attractive to both non-federal applicants and present competitive and excepted service employees.

(3). Section 504 was also passed to end destructive and unequal competition with CIA, NSA, and DIA who clearly offer greater career opportunities and compensation. Those organizations do not compete with the departments for just intelligence specialists but also for scientists, analysts of all types, and even secretaries. They have utilized their "more generous" systems and levels of compensation to beat the departments in recruiting all classes of employees. They have specifically drawn off many of each department's best employees because of their experience in the intelligence community and because of their security clearances. This has severely impacted recruitment, training, and clearance costs. As long as CIA, NSA, and DIA remain solidly excepted service the departments have no choice but to follow suit to stay competitive.

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(4). It should be noted that the law does not limit its application to the GS-132, Intelligence Specialist series. The Department of Defense is given latitude on coverage as long as those included are necessary to "carry out the intelligence functions of such departments." The many "support" positions, for instance, represented in the Intelligence and Security Command (INSCOM) and the Army Intelligence Agency (AIA) by career program, technician, clerical, and wage grade employees, are not specifically excluded. This interpretation is supported by page 24 of the House Report that specifically refers to engineers, computer scientists, and analysts, as specialties needing the benefits of the legislation. It is also supported by a section of the law that provides specifically for coverage of wage grade employees. Even wage grade employees then comprise the group referred to in the legislative background as "intelligence personnel."

b. The law was initially submitted by the departments to Congress to cover all types of employees directly supporting intelligence missions. Prior to the legislation Navy had most of their intelligence officers and intelligence related employees in the Schedule A, excepted service (secretaries to managers) and intended to convert even more when implementing the new law. Army and Air Force purposely estimated their coverage conservatively to Congress at that time due to both a lack of accurate data on those portions of their communities outside their intelligence MACOMS, and a need for further discussions with MACOM intelligence managers. The figures did not, however, exclude clerks and other support personnel. Further input was obtained from intelligence managers in January 1987 at an Army-wide Career Program Managers Planning Board (for CP-19, Intelligence and Security). That meeting first purposed the "three tiered" coverage criteria that was later generally adopted by Air Force and Navy. The three criteria (any one of which would determine coverage) are now described as follows:

(1). Organizationally - all employees in MACOMS, Commands, and Activities whose primary mission is intelligence (e.g., DCSINT, INSCOM, and AIA).

(2). Functionally - all Army employees who are intelligence officers, non-law enforcement security specialists, engineers and scientists who directly support and are a part of the intelligence community, and other two grade interval series employees in intelligence or security organizations performing a majority of their duties that require specialized intelligence or intelligence related knowledges (i.e. all those presently eligible to register in the Defense Intelligence Special Automated Career System (DISCAS) plus Security Specialists).

(3). Discretionary - all other employees directly engaged in and supporting intelligence functions (in distinct intelligence organizations), serving in non-intelligence MACOMS at the discretion of MACOM commanders (i.e., support professionals through clerical and wage grade employees not covered by 2b above).

This tiered system was proposed because: it allowed for commands like INSCOM and AIA to be administered by one personnel management system (uniform treatment of all employees); it provided for inclusion of all GS-132, GS-080 (non-law enforcement), and engineers and scientists in intelligence organizations Army-wide and would allow for real career management for the core "mission" occupation areas; and it closely matched CIA's, NSA's, and DIA's total coverage without hastily forcing all non-intelligence MACOM support personnel into the

excepted service. This criteria was formally staffed in the Spring of 1987 with the MACOM's functional managers and resulted in the initial proposed coverage provided to OSD in June 1987. The Secretary of Defense largely ratified those criteria in his August letter to the departments officially delegating authority to design and implement the new personnel system.

c. Criteria 2b(1) above will give commands like INSCOM and AIA maximum benefit from the legislation in managing their work force and solving all the problems well described in the Inspector General's report of several years ago critical of the Army's civilian personnel management system. These organizations would not have to wait for the legislative relief needed by Army's Modernization Project or OPM's Civil Service Simplification Act. It should also be noted it would allow them to end their present use of two personnel systems, the Schedule A excepted and present competitive services. Criteria 2b(2) will greatly expand the Functional Chief's (the DCSINT's) tools to positively impact the intelligence, security, and related engineer and scientist career areas. He will be able to do more than just describe ideal career paths, recommend standard training, and direct a referral system. He will be able to combine classification series, establish new series, write classification standards, standardize grade structures, increase compensation to critical areas, hire without unnecessary OPM restraints, test innovated ideas, and seek out quality minorities and women for truly Army-wide intelligence internships and job opportunities. Criteria 2b(3) will allow each MACOM to moderate any adverse effects of competition within Army between the excepted and competitive services. It will allow for a gradual and moderate growth to the excepted service rather than for the disruption that may be possible in some commands if all within intelligence organizations are immediately included.

d. Excluding support professional, technician, clerical, and wage grade employees in the intelligence MACOMs and commands (e.g., INSCOM and AIA) would just undermine the impact of the effectiveness of the new excepted service for the intelligence commands, allowing only half of their total civilian population to benefit from the legislation. Every personnel problem would be further complicated by developing two sets of solutions, one for each personnel system. It would saddle managers with two different personnel systems and ways of managing people and ensure that two classes of employees, the "haves" and the "have nots," would grow within their commands. The real issue is where the least management problems would occur, if all of such commands as INSCOM and AIA were allowed to be converted to the statutory excepted service or whether the least problems would occur if the "support" professionals, administrative employees, clerks, etc. would be excluded. The law creates some tension between the excepted and competitive services within the Army. There is no way around it. The only choice is whether to concentrate its negative effects in INSCOM and AIA if the "support" side is excluded or diffuse the effects when shifting the impact to the much larger total Army. The Intelligence Community is only proposed to cover 4,400 Army employees, a very small portion of the total Army. Few if any, career programs or installations should significantly "feel" the competition from our system. Commands like INSCOM and AIA would significantly feel the negative impact, however, of a two class system with half in and half out?

e. It has long been felt in the Federal Intelligence Community that additional compensation or special treatment was required for the civilian work force to compensate for additional "conditions of employment." These additional conditions of employment range from the requirements to undergo detailed

background investigations and maintain a stricter life style, to polygraph and possibly urinalysis examinations, to mandatory mobility, to the daily responsibility and burden of working in a secure facility, etc. Additionally, an excepted service personnel system is often a handicap in hiring because of the negative myths associated with it or lack of knowledge about it in the respective job markets. These drawbacks coupled with a critical need for the best employees have resulted in a recognition that preference is needed by the Intelligence Community to remain competitive. There will undeniably be cases where employees for commands that are not completely covered by CIPMS will perceive inequity. This will only be valid, however, if they are directly supporting the Intelligence Community, and have accepted all these "conditions of employment." These cases will be more likely from MACOM intelligence support personnel who have not been brought under the new system by application of criteria 2c above. The answer to their challenge should be each MACOM's weighing and balancing of the localized benefit to an employee verses the adverse impact on the majority of similarly situated employees and/or adverse impact on local personnel administration. No personnel system can provide "perfect" equity for every individual. There will always be a few cases where what might be best for an individual may not override what is best for the many and the system.

f. The personnel management organization proposed in the joint DCSPER and DCSINT memorandum in October 1987 is designed to ensure the negative impact on the rest of the Army is moderated and controlled. It will be a jointly administered organization that will protect both Intelligence and Personnel functional interests. A major purpose will be to create and maintain a positive relationship between the competitive and excepted services. This organization assumes the continuing operational support from all present personnel offices to the Intelligence Community. It realizes that the features of the Civilian Intelligence Personnel Management System (CIPMS) must be sufficiently different to optimize the new legislative authorities but related enough to the competitive system (and hopefully reflected enough of the goals sought after in Army's Modernization Project) to win the full support of servicing civilian personnel offices. Approval of the proposed organization will ensure appropriate attention to this issue and will also allow Army to experiment with both a brand of functional pronency and test an alternate personnel system. If the Civil Service Simplification Act is passed, Army would possibly be well served at having experience with changing a whole MACOM's and a whole career program's personnel system.

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ADDITIONAL SUPPORT FOR PROPOSED COVERAGE OF EMPLOYEES UNDER THE
NEW INTELLIGENCE PERFORMANCE MANAGEMENT SYSTEM (CIPMS)

1. The proposed three "tiered" coverage criteria for inclusion under CIPMS within Army is not a totally new way of identifying and separating intelligence and security related personnel from the rest of Army's civilians. It is also not new within Army to except these types of employees from broad competitive service programs. Executive Order and Statute have previously recognized both the unique role of intelligence and security organizations in government and the need for exceptions for intelligence and security personnel in the field of labor relations.

a. Title VII of CSRA provided in 5 USC 7103 (b)(1)(A) for presidential exclusion of agencies or subdivisions where those agencies or subdivisions: (1) have as a primary function intelligence, counterintelligence, investigative, or national security work; and where (2) the provisions of labor relations cannot be applied to that agency or subdivision in a manner consistent with national security requirements and considerations. EO 12171, dated 19 November 1979, specifically excluded the organizations now known as the Intelligence and Security Command, the Army Intelligence Agency, the Office of the Deputy Chief of Staff for Intelligence, and the Intelligence Center and School from labor relations for these reasons.

b. Furthermore, 7112 (b)(6) excluded from labor relations coverage "any employee engaged in intelligence, counterintelligence, investigative, or security work which directly effects national security." This clearly applies to GS-132, Intelligence Specialists and GS-080, Security Specialists who do not primarily perform a law enforcement function regardless of whether they are employed by a MACOM with a primary intelligence mission. It can equally apply to engineers and scientists, analysts of all types working on intelligence products, or personnelists, technicians, and secretaries if their work can be proven to be significantly related to or impacting upon national security. Persuasive tests could be the primary mission of the employee's organization, the specific function of the employee's position and its knowledge requirements, and/or the employee's actual access to classified information, methods, sources, etc. (the employee's actual knowledge of sensitive intelligence or security information required by their job).

2. Subparagraph "a" above matches closely the first proposed coverage criteria for the CIPMS that was stated in terms of the primary mission of a MACOM, command or activity. Subparagraph "b" above also closely matches the second proposed coverage criteria that was expressed in terms of primary employee function (expressed as an eligibility to register in the Defense Intelligence Special Automated Career System) regardless of their command's but not their unit's primary mission. Subparagraph "b" can also be applied to the third criteria which was discretionary but focused on both employee function and organizational mission. This criteria allowed MACOMs to include or exclude "support" personnel in discreet intelligence organizations based on an overall balancing of the value to the employee versus their organization. Both 5 USC 7103/7112 (CSRA) and 10 USC 1590 (CIPMS) give special consideration to national security and should result in compatible employee coverage. The tests cited above could and should be equally applied to the second and third tier criteria. Approximately 3,000 would be included under the first organizational mission criteria, 1,200 under the second combined organizational location/employee function criteria,

and only 150-200 employees are now expected to fall under the third, "discretionary" criteria. This later group is a very small number ensuring few if any concentrations to disturb the equitable balance of employee relations throughout the Army. Allowing MACOM discretion on coverage only on the third criteria, with additional DA oversight on the coverage issue, should counter what little likelihood there might be for equity problems that might occur.

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